BOMBAY ACT No. XXXVIII OF 1951.[1]

[THE BOMBAY STATE RESERVE POLICE FORCE ACT, 1951.]

[*23rd October 1951*]

Amended by Bom. 48 of 1954.

An Act to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay.

WHEREAS it is expedient to provide for the constitution and regulation of an armed Reserve Police Force in the State of Bombay ; It is hereby enacted as follows :—

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Bombay State Reserve Police Force Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*4*) It shall apply to the members of the State Reserve Police Force, wherever they may be.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'active duty' means—

(*i*) the duty to investigate offences involving a breach of peace or danger to life or property and to search for and apprehend persons concerned in such offences or who are so desperate and dangerous as to render their being at large hazardous to the community ;

(*ii*) the duty to take all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order on such occasions ;

(*iii*) such other duty as may be specified to be active duty by the State Government or the Inspector-General in a direction issued under section 10.

(*b*) 'Commandant' and 'Assistant Commandant' mean respectively persons appointed to those offices by the State Government under section 5.

(*c*) 'Commissioner of Police' and 'Deputy Commissioner' mean respectively a Commissioner of Police and a Deputy Commissioner of Police appointed under the Bombay Police Act, 1951.

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(*d*) 'Follower' means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or an orderly in connection with the State Reserve Police Force ;

(*e*) 'members of the subordinate ranks' means members of the State Reserve Police Force below the rank of [2][Battalion Commander or Commander of Head Quarters Wing] ;

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1951, Part V, page 320.

[2] These words were substituted for the words "Adjutant or Battalion Commander" by Bom. 48 of 1954, s. 2.

(*f*) 'Police Officer' means every police officer as defined by the Police Act, 1861, or the Bombay Police Act, 1951 ; V of 1861. Bom. XXII of 1951.

(*g*) 'Prescribed' means prescribed by rules made under this Act ;

(*h*) 'reserve police officer' means any member of the State Reserve Police Force established under this Act ;

(*i*) 'superior officer' means in relation to any reserve police officer a reserve police officer of a higher rank than, or of a higher grade in the same class as, or of the same rank as but senior to, himself.

(*j*) the words and expressions used herein and which are defined in the Indian Penal Code, the Code of Criminal Procedure, 1898, and the Bombay Police Act, 1951, and not hereinbefore defined, shall have the meanings respectively assigned to them in those enactments. XLV of 1860. V of 1898. Bom. XXII of 1951.

Constitution of the State Reserve Police Force.

3. (*1*) In addition to the Police Force constituted under the Bombay Police Act, 1951, the State Government may establish and maintain an armed reserve police force known as the State Reserve Police Force. Bom. XXII of 1951.

(*2*) The State Reserve Police Force shall be established and maintained in such manner as may be prescribed.

(*3*) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the State Reserve Police Force shall be such as may be determined by the State Government :

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the State Reserve Police Force.

(*4*) The State Government or any officer empowered by it in this behalf may,—

(*a*) divide the State Reserve Police Force in groups ;

(*b*) sub-divide each group into battalions, and each battalion into companies, and each company into platoons ;

(*c*) post any group, battalion, company or platoon at such places as the State Government or the officer empowered by it in this behalf may deem fit.

Superintendence, control, and administration of Force.

4. The superintendence of and control over the State Reserve Police Force shall vest in the State Government ; and the State Reserve Police Force shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the State Government may from time to time appoint in this behalf.

Appointment of Commandant [2], Assistant Commandant and Adjutant].

5. (*1*) The State Government may appoint for each group a Commandant who shall be a person eligible to hold the post of a District Superintendent and an Assistant Commandant [1][and an Adjutant who shall be persons] eligible to hold the post of an Assistant or a Deputy Superintendent.

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[1] These words were substituted for the words "who shall be a person" by Bom. 48 of 1954, s. 3 (*1*).

[2] These words were substituted for the words "and Assistant Commandants", *ibid.* s. 3 (*4*).

(*2*) Notwithstanding anything contained in sub-section (*1*), the State Government may appoint such Military Officer as it deems fit to be a Commandant or Assistant Commandant [1][or Adjutant].

(*3*) The Commandant, the Assistant Commandant [2][, the Adjutant] and every other officer so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

Appointment of Battalion Commanders and Commanders of Head Quarters Wings.

[3][**5A.** Subject to the general or special orders of the State Government, the Inspector-General shall appoint the Battalion Commanders and the Commanders of Head Quarters Wings.]

Enrolment.

6. (*1*) Before any person appointed to be a reserve police officer joins his appointment, a declaration in the form in Schedule A shall be read out and, if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant or a police officer not lower in rank than a District Superintendent or a Deputy Commissioner and shall be signed by him in token of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant or Police Officer, as the case may be.

(*2*) No reserve police officer shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (*1*).

(*3*) If any reserve police officer resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, on the order of the Commandant, to forfeit all arrears of pay then due to him.

Transfer.

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7. (*1*) Notwithstanding anything contained in this Act or the Bombay Police Act, 1951, it shall be competent to the State Government to transfer members of [4]* * the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act and *vice versa* :

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Provided that the State Government may delegate its power under sub-section (*1*) in so far as it relates to the transfer of members of the subordinate ranks of the respective Police Force to the Inspector-General.

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(*2*) On the transfer of a member of the Police Force appointed under the Bombay Police Act, 1951, to the State Reserve Police Force established under this Act or *vice versa*, he shall be deemed to be a member of the Police Force to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the powers and privileges, and be subject to the liabilities, of a member of such grade in the Police Force to which he has been transferred as may be specified in the orders.

Certificate of appointment to certain reserve police officers, wher it is to be returned back.

8. (*1*) [5][A Battalion Commander] or Company Commander shall, on appointment, receive from the Inspector-General of Police a certificate of appointment containing particulars of his name, age, religion and his previous service, if any.

(*2*) Every reserve police officer below the rank of a Company Commander shall on appointment receive a certificate in the form of Schedule B, which shall be issued under the seal of the Commandant.

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[1] These words were added by Bom. 48 of 1954, s. 3 (*2*).
[2] These words were inserted, *ibid.*, s. 3 (*3*).
[3] Section 5A was inserted, *ibid.*, s. 4.
[4] The words "the armed section of" were deleted, *ibid.*, s. 5.
[5] These words were substituted for the words "An Adjutant, a Battalion Commander", *ibid.*, s. 6.

(*3*) Every person who for any reason ceases to be a reserve police officer shall forthwith deliver up to an officer empowered by the Commandant to receive the same, his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office.

General powers of Commandant.

9. The Commandant shall, subject to the orders of the Inspector-General of Police, direct and regulate all matters of arms, drill, exercise, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the members of the group in his charge.

General duties of members of State Reserve Police Force.

10. (*1*) Every reserve police officer shall for the purpose of this Act be deemed to be always on duty in the State of Bombay, and any reserve police officer and any member or body of reserve police officers may, if the State Government or the Inspector-General of Police so directs, be employed on active duty for so long as and wherever the services of the same may be required.

(*2*) Every direction issued under sub-section (*1*) shall specify that the duty on which any reserve police officer or any member or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

Explanation.—The direction of the State Government or of the Inspector-General of Police whether a reserve police officer is required or is on active duty shall be final.

(*3*) A reserve police officer employed on active duty under sub-section (*1*), or when a number or body of reserve police officers are so employed, the officer in charge of such number or body, shall be responsible for the efficient performance of that duty and all police officers who but for the employment of one or more reserve police officers or body of reserve police officers would be responsible for the performance of that duty will to the best of their ability assist and co-operate with the said reserve police officer or officers in charge of a number or body of reserve police officers.

Reserve police officer to be deemed to be in charge of police station.

11. (*1*) When employed on active duty at any place under sub-section (*1*) of section 10, the senior reserve police officer of highest rank not being lower than that of a Naik present shall be deemed to be an officer in charge of a Police Station for the purposes of Chapter IX of the Code of Criminal Procedure, 1898. V of 1898.

Circumstances under which reserve police officer entitled to use force.

(*2*) Notwithstanding anything contained in sections 100 and 103 of the Indian Penal Code, a reserve police officer employed as aforesaid may, when there is reasonable apprehension of assault on himself or any reserve police officer or of damage or harm to any property or person which or whom it is his duty to protect, use such force to the wrong doer or assailant as may be reasonably necessary even though the use of such force may involve risk of death of the wrong doer or the assailant or any other person assisting such wrong doer or assailant. XLV of 1860.

Offence in respect of resignation contrary to provisions.

12. If any reserve police officer resigns his appointment in contravention of section 6 he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offence in respect of refusal to deliver certificate of appointment, etc.

13. Any reserve police officer who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (*3*) of section 8 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

More heinous offences.

14. Every reserve police officer who,—

(*a*) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavours to suppress it by force of arms, if necessary, or knowing, or having reason to believe in, the existence of